

## Original Research

# The Utility of Criminal History Questions in Community Psychology Program Applications

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## ABSTRACT

### Aim

Access to higher education is a valuable protective factor against recidivism. Unfortunately, there are many obstacles criminal justice involved individuals need to overcome to further their education. This study examined universities with community psychology programs in order to assess: a) the extent of requests for an applicant's criminal history, and b) whether asking these questions had any effect on rates of crimes.

### Method

We compared the crime rates for institutions that did and did not ask about an applicant's past involvement with the criminal justice system.

### Results

No statistically significant differences in reported crimes were observed between those academic settings that asked or did not ask for this information.

### Conclusion

Our study suggests that criminal background checks do not support safety concerns as the reason for continuing to request this personal information on applications. These types of stigma-inducing and intrusive questions conflict with the values of community psychology.

### Keywords

Ban the Box; Criminal justice involved individual reentry; Community psychology; Policy reform; Higher Education.

## INTRODUCTION

Approximately 65 million Americans have a criminal record,<sup>1</sup> which can interfere with chances of seeking and obtaining employment, higher education, and ultimately reintegrating back into society. It is unfortunate that 60-75% of released prisoners cannot find employment within a year of their release from prison.<sup>2</sup> In addition, these poor employment options are exacerbated when criminal justice involved individuals belong to minority groups.<sup>3</sup> Inmates who can secure gainful employment after incarceration are 50% less likely to recidivate than those inmates that do not.<sup>1</sup>

Despite the importance of employment, many em-

ployers remain reluctant to hire individuals with criminal histories. Employers are sometimes concerned that criminal justice involved individuals lack relevant job skills and that their past criminal behavior could endanger their business as well as the customers that patronize them.<sup>4</sup> However, Barling et al<sup>4</sup> review of the relevant literature indicates that many violent crimes committed in the workplace are perpetrated by non-employees. In fact, criminal justice involved individuals are less likely to commit crimes in the workplace than employees without a criminal record.<sup>5</sup>

As a result of school shootings and acts of terrorism, background checks have been enacted in academic institutions. The subsequent use of background checks in college admission

applications has increased the difficulty of criminal justice involved individuals' attainment of college degrees.<sup>6</sup> These admission standards may be even more burdensome when the applicant is from a lower socioeconomic and/or minority background. Further, criminal justice involved individuals are oftentimes ineligible to receive many forms of financial assistance intended to help them in requiring economic assistance to pursue their education.<sup>7</sup> In fact, the Pell grant was restructured to be less accessible to students with a criminal record, despite evidence that education is inversely related to recidivism.<sup>8</sup> Clearly, reintegration into society is influenced by the rising cost of education, difficulty gaining admission into higher education with criminal records, and difficulty of maintaining gainful employment with criminal records.<sup>7,8</sup> These are important considerations as higher educational attainment is an important predictor of earning potential. For criminally justice involved individuals, possessing a postsecondary education may help to alleviate the impact of criminal records on employment, as well as reduce feelings of disenfranchisement that may have internalized during, or even before, incarceration.<sup>9</sup>

The stigma attached to individuals with criminal records can have a profound impact on a criminal justice involved individual's self-esteem and subsequent success.<sup>10</sup> Some applicants, upon seeing a question pertaining to criminal history, might abandon the application process, fearing rejection because of a prior conviction.<sup>11</sup> Oser<sup>12</sup> has described inmates experiencing clinically significant difficulties with self-esteem due to this application process. A qualitative study showed that all criminally justice involved participants had unique struggles in succeeding academically in addition to the stigma they dealt with from both their peers as well as faculty and staff.<sup>13</sup> Custer<sup>14</sup> found that students with prior involvement in the criminal justice system felt particularly distressed by the additional screening they had to go through before their acceptance. This study also found that none of the admitted students had violated university policy while enrolled. As suggested above, employment is a major predictor in regards to recidivism, and education increases the employability of criminal justice involved individuals. Several studies have examined the benefits of education that occur in correctional settings. A study on prisoners enrolled in educational programs while incarcerated in North Carolina found that inmates who received an associate's or bachelor's degree in comparison to those that had not, were less likely to recidivate three years after their release than inmates.<sup>15</sup> In fact, the results of this study indicated that the level of education plays an important role in recidivism. Stevens and Ward<sup>15</sup> found that all offenders who completed a four-year degree did not recidivate during a three-year follow-up. Nally and colleagues<sup>16</sup> found that offenders who did not participate in a correctional education program were 370% more likely to recidivate than those who did attend such programs. This study also indicated that those who attained a higher education level while incarcerated earned higher wages if employed post-release. Employment and better wages result in economic stability for these individuals, allowing them to successfully reintegrate into the community. To summarize, there is a general consensus is that correctional education plays a pivotal role in rehabilitation, and is a predictor of post-incarceration behavior, as those who seek to receive an education are less likely to continue with a criminal agenda.

Clearly, there is a need to address discriminatory practices that act as hurdles in furthering education so that candidates are not rejected solely because of their criminal history. The Ban the Box movement addresses this need by not having questions regarding past criminal involvement on hiring forms. Started in 2004 by the civil rights organization All of Us or None, which is a group of formerly incarcerated individuals, this movement calls for policy reform during the hiring process.<sup>1</sup> The US Equal Employment Opportunity Commission endorsed this movement in 2012, publishing a mandate suggesting that generally disqualifying applicants based on criminal history alone may violate Title VII of the Civil Rights Act.<sup>2</sup> Laws passed due to this movement govern at what point in the hiring process employers are allowed to inquire about a potential applicant's criminal history.<sup>2</sup> Hawaii was the first state to pass this Ban the Box legislation, and their criminal justice involved individuals population has shown a dramatic decrease in recidivism. Many counties, cities, and states have since enacted Ban the Box laws, hoping to help reduce high rates of recidivism and unemployment.<sup>17</sup>

Concerns about the safety of college campuses rose in 1989 after a student at Lehigh University, Jeanne Clery, was sexually assaulted and murdered by another student. Although the perpetrator had no criminal record, the victim's parents found that the school failed to report 38 violent crimes that occurred on that campus. After campaigning for a national crime-reporting procedure at college and university campuses, the Clery Act was added to the Higher Education Act of 1968 in 1991.<sup>18</sup> This act requires all US colleges and universities who receive federal funding to report campus crime data that occurred during the previous calendar year. These data can be accessed online through the school's website or on the Department of Education's web page. It should be noted that although this may reflect the level of crime on a particular school's campus, the statistics do not mandate schools to indicate if the perpetrators or victims were students. After the Virginia Polytechnic Institute and State University shooting in 2007, school officials and parents became more vigilant over campus safety. That same year, the Common Application, a standard application used by approximately 300 universities, added questions inquiring about an applicant's high school disciplinary record and criminal background.<sup>19</sup> Other schools adopted similar questions to their personal applications shortly thereafter. Institutions believed that this information would help assure parents and potential students that all due diligence was being taken during the admissions process to protect students from violent activity.

Critics of allowing criminal justice involved individuals into universities have made claims about liability of negligent admission. Jurisprudence thus far, however, has not held universities liable for such decisions.<sup>14</sup> In fact, Olszewska<sup>20</sup> found no statistically significant differences between the crime rates of universities that did or did not screen for criminal history during the application process. This indicates that a student's criminal background has no significant impact on the safety of college campuses. However, this study is 10 years old, and campus crime trends may have changed over time.

The current study was similar to Olszewska's<sup>20</sup> investiga-

tion. A notable difference is that the present study only examined universities with Community Psychology programs. Community Psychology is built on a foundation of social justice, community action, and policy reform.<sup>21</sup> Therefore, it would be worthwhile to assess if universities with such programs ask stigmatizing questions about an applicant's criminal history. We first wanted to assess the extent that these universities asked applicants about their past criminal involvement. We hypothesized that there would be no statistically significant differences in crime rates between universities that did and did not inquire into an applicant's criminal history.

## METHODS

### Data Collection

The sample included universities the authors could locate in the US, using several sources, including the website of the Society for Community Research and Action.<sup>21</sup> The criminal data used in the current study were downloaded from the United States Department of Education Campus Safety and Security website.<sup>22</sup> Two universities in the database did not adequately report their crime data according to the Clery act and were subsequently excluded from analyses.

The Carnegie Classification of Institutions<sup>23</sup> defined very small institutions as those with a student body of fewer than 1,000 students, small institutions as those with student bodies ranging from 1,000 to 2,999 students, medium institutions as those with 3,000 to 9,999 students, and large institutions as those with 10,000 or more students. The United States Census Bureau<sup>24</sup> defined a rural area as one with fewer than 2,500 people, an urban cluster area as one with 2,500 to 50,000 people, and an urban area as one with a population of 50,000 or more people.

### Procedure

All study procedures were conducted according to the APA's

guidelines for ethical research. No identifiable information was retained about the institution's included in analyses. Data were collected from the Campus Safety and Security website and coded into SPSS.<sup>22</sup> This website collects reported crime statistics and fire statistics of all postsecondary institutions that receive Title IV, i.e. federal, funding. The relevant crime statistics collected from 2014, the most recent year that data were available. The types of crime were demarcated into four categories: sex crimes, property crimes, violent crimes, and total number of reported crimes. Sex crimes were defined as any crime classified as sexual assault, fondling, and statutory rape. Property crimes included arson, vandalism, robbery, theft, and burglary; violent crimes contained murder, manslaughter, and aggravated assault. Mann-Whitney U-tests were used to assess for statistically significant differences between the crime rates of schools that did and did not ask about criminal history.

## RESULTS

Fifty-six percent (N = 14) of the schools did not ask whereas 44% (N=11) of the schools did about criminal history. The current study's sample consisted primarily of large institutions with a few smaller sized universities. A majority of schools were located in urban settings, with some present in urban cluster areas. There were no rural institutions in the sample. A majority of the institutions samples were private. Table 1 provides demographic information on our sample, grouped by presence or absence of criminal inquiry in admissions applications. Table 2 indicates that there are no statistically significant differences in the proportions of criminal inquiry (asked or not asked) as a function of school type (private *versus* public). There are neither statistically significant differences between the median populations of schools that did or did not inquire into an applicant's criminal history (see Table 3) nor statistically significant differences between the proportions of criminal inquiry (asked or not asked) as a function of urban type (clusters *vs.* areas) school as shown in Table 4.

Table 5 presents overall outcome data for this study. Regarding the total number of crimes reported on and around university campuses, there are no statistically significant differences

**Table 1.** Demographic Characteristics

Variable	Inquiry		No Inquiry		Total	
	N	%	N	%	N	%
Funding Type						
Public	4	36.4%	6	42.9%	10	40.0%
Private	7	63.6%	8	57.1%	15	60.0%
Institution Size						
Very Small	0	0.00%	1	7.1%	1	4.0%
Small	2	18.2%	2	14.3%	4	16.0%
Medium	1	9.1%	2	14.3%	3	12.0%
Large	8	72.7%	9	64.3%	17	68.0%
Setting						
Urban Clusters	4	36.4%	3	21.4%	7	28.0%
Urban	7	63.6%	11	78.6%	18	72.0%

**Table 2.** University Type as a Function of Criminal Inquiry

	Public	Private	Marginal Row Freq.	X <sup>2</sup>	p
Criminal Inquiry	4(4.4)	7(6.6)	11		
No Inquiry	6(5.6)	8(8.4)	14		
Marginal Column Freq.	10	15	25		

Note: Parenthetical values are expected frequencies.

**Table 3.** Median Enrollment Size as a Function of Criminal Inquiry

	N	Median	U	P
Criminal Inquiry	4(4.4)	7(6.6)	66	0.79
No Inquiry	6(5.6)	8(8.4)		

**Table 4.** University Type Institution Setting as a Function of Criminal Inquiry

	Urban Cluster	Urban	Marginal Row Freq.	$\chi^2$	<i>p</i>
Criminal Inquiry	4(3.1)	7(7.9)	11		
No Inquiry	3(3.9)	11(10.1)	14	0.682	0.409
Marginal Column Freq.	7	18	25		

Note: Parenthetical values are expected frequencies.

**Table 5.** Types of Crime as a Function of Criminal Inquiry

	Inquiry (Median)	No Inquiry (Median)	<i>U</i>	<i>p</i>
Violent Crimes	8	0.5	43.5	0.07
Sex Crimes	17	13.5	63.5	0.47
Property Crimes	54	20	67.0	0.61
Total Crimes	90	35.5	62.5	0.43

between the universities that asked for versus those that did not ask for criminal information regarding the total number of crimes reported on and around university campuses, the amount of violent crimes committed on and around the universities' campuses, whether they indicated committing sexual crimes on their applications, and whether committing property crimes.

## DISCUSSION

The current study's major finding is that 44% of schools offering community psychology graduate programs do request criminal history from applicants, but there were no significant differences in the reported crime rates of schools that requested criminal history *versus* those that did not. Our study therefore corroborates the findings of a previous study<sup>20</sup> that was conducted approximately 10 years ago. These findings raise questions regarding the practice of universities asking these types of stigmatizing questions as part of their application process.

Inquiries into criminal history act as a barrier for reentry into the community, especially at institutions of higher learning. Those with past experience in the criminal justice system already struggle with the stigma of their criminal history.<sup>13</sup> Those with prior criminal backgrounds confront unique institutional barriers that compound the difficulties they face attempting to reintegrate into society.<sup>14,25</sup> When considering poor outcomes already associated with incarceration (e.g. low self-esteem, illiteracy, emotional maladjustment), institutional discrimination makes it more difficult to gain entrance into educational settings for criminal justice involved individuals.<sup>12,13</sup> Institutions of higher learning need to accommodate rather than stigmatize these students, to increase the chances that they can become productive members of society after serving time in jail or prison. In fact, there are also clear benefits of having individuals with such unique life experiences in institutions of higher learning.<sup>25</sup> The presence of these life experiences on college campuses could very well improve the quality of intellectual discourse in the classroom.

Community psychology is a field that tries to promote competence and well-being as well as reduce stigma and discriminatory practices.<sup>21</sup> Yet, 44% of these institutions unwittingly support stigmatizing practices regarding criminal history questions on admissions applications, which could discourage students from applying to them, and/or make students self-conscious and fearful of studying within institutions that endorse such barriers in the application process. These practices represent non-negligible risks of further marginalizing criminal justice involved individuals. There is a pressing need for such settings to reconsider these types of

questions being part of their admissions process to better reflect the principles and core values of community psychology.

## LIMITATIONS

This study had a number of limitations. For example, there may be other factors not accounted for in the current analysis that contribute to campus crime rates, beyond questions about a student's criminal history (e.g., unemployment rates, poverty, etc). In addition, a causal inference would be hard to establish given the small sample size, and the reductions in power.

Another limitation is that this study was cross-sectional in nature, and more longitudinal studies are needed. In addition, future studies might include different sources for crime statistics to produce a clearer understanding of university crime rates in relation to the criminal justice involved individual population. For example, the Clery act does not require universities to report whether the crimes committed on campus were by students or non-students. Further, a more ambitious, comprehensive study of a larger number of universities in the United States may provide more insight into predictive factors of an institution's crime rate. Finally, unreported crimes would not have been considered in our analysis.

## CONCLUSION

This study corroborates the findings of Olszewska,<sup>20</sup> and suggests that criminal history questions do not have an effect on crime rates. It was surprising to find that these questions are currently being asked at 44% of institutions that have Community Psychology graduate training programs. Such questions may unfairly discriminate against people with criminal justice involvement. It is not enough for members of this field to develop community interventions for groups outside their academic settings, but it is critical for the field to be self-reflective and examine whether their institutional practices match the theoretical and conceptual underpinnings of their field, and to take action remove these types of stigmatizing questions from their admissions forms.

## CONFLICTS OF INTEREST

The authors declare that they have no conflicts of interest.

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